

House Bill 677

By: Representatives Burmeister of the 119th, Fleming of the 117th, and Ralston of the 7th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-10-61 of the Official Code of Georgia Annotated, relating to trial
2 by jury and removal of cases from magistrate court to state or superior court, so as to limit
3 the right of removal for jury trial of cases involving ordinance violations from the magistrate
4 court to state or superior court to those ordinance violations that also would constitute a
5 misdemeanor under state law; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 15-10-61 of the Official Code of Georgia Annotated, relating to trial by jury
10 and removal of cases from magistrate court to state or superior court, is amended by striking
11 the Code section and inserting in lieu thereof a new Code Section 15-10-61 to read as
12 follows:

13 "15-10-61.

14 There shall be no jury trials in the magistrate court. Any defendant who is charged with
15 one or more ordinance violations for conduct that would also constitute a misdemeanor
16 under state law may, at any time before trial, demand that the case be removed for a jury
17 trial to the state court of the county or to the superior court of the county if there is no state
18 court. Such a demand shall be written. Upon such a demand the court shall grant the
19 demand. Failure to so demand removal of the case shall constitute a waiver of any right
20 to trial by jury which the defendant may otherwise have."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.